

ATTACHMENT A

Remarks

By this Amendment, a minor addition has been made in the specification. In the claims, the claims have all been amended only for clarity/definiteness. It is submitted that the present application is in condition for allowance for the following reasons.

In the *Drawings* section of the Detailed Action, the drawings were objected to under 37 CFR 1.84(p)(5) for use of the number 92 which was not identified in the specification. To overcome this objection, the specification has been amended to refer to spring 92 at the noted location (page 11, line 6).

In the *Claim Rejections - 35 USC § 112* section, claims 10-16 were rejected for being indefinite. By this Amendment, the claims have been amended in a self-evident manner to overcome the noted problems. In particular, it will be noted that the invention is now consistently claimed as a demand regulator with a mask or storage box only referred to inferentially for clarity. In view of these amendments, it is submitted that the claims are now definite so that this rejection should now be withdrawn.

In the *Claims Rejection - 35 USC § 102* section, claims 9-14 were rejected as being anticipated by the Sprague patent. However, for the following reasons, it is submitted that independent claim 9 and claims 10-14 dependent therefrom are all allowable over this reference.

In rejecting claim 9, the examiner has stated that the Sprague patent teaches:

a manually actuatable control member 39 having a normal position causing operation without over pressure in the tube above atmosphere and with air dilution, and an emergency position causing the tube to be fed with the breathing gas at an over pressure (see ¶ 10).

However, this statement is not accurate. As specifically recited in the Sprague patent:

At the altitude at which oxygen is required to be supplied under pressure to the mask, the increased pressure in chamber 47 and the reduced pressure in chamber 35 will cause diaphragm 56 to lift valve body 59 to lift head 60 of valve 50 from its seat 61. By the same movement the other end of the valve body 59 is brought into engagement with lever 39. Gas from pressure chamber 47 will flow through valve head 60 and body 59 into demand chamber 30 and thence through passages 29 and 28 to the mask. Lever 39, actuated by the movement of body 59, opens demand valve 18. This allows additional oxygen flow to the mask through the primary flow path.

Accordingly, when the Sprague patent is read correctly, it shows that the operation of the disclosed device is entirely automatic and thus does not disclose or teach a manually actuatable control member as claimed.

Further, the Sprague patent does not disclose or even teach a means of preventing feed of over pressure gas to the tube so long as the mask is in a stored position. Although the examiner has stated that this is shown in the Sprague patent, citing col. 3, lines 59-75 and col. 4, lines 33-46, these sections of the Sprague patent merely show how the suit valve and the mask pressure valve are connected to a common chamber, and how the suit is inflated at high altitudes and deflated as altitude is decreased.

Therefore, for all of the foregoing reasons, it is submitted that the demand regulator of the present invention as claimed in independent claim 9 is neither disclosed nor made obvious by the Sprague patent so that claim 9 is now allowable. For these same reasons, it is submitted that claims 10-16 are similarly allowable.

In the *Allowable Subject Matter* section, the examiner indicated that claims 15 and 16 contained allowable subject matter. This indication of allowable subject matter is

appreciated. It is submitted that these claims are allowable without being rewritten in independent form (and amended to overcome the § 112 rejection) in view of their dependency from now allowable independent claim 9.

The remaining references which were cited but not applied have been reviewed but are not believed to be pertinent to the patentability of the present invention.

For all of the foregoing reasons, it is submitted that the present application is in condition for allowance and such action is solicited.